

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 03-CR-10356-MLW

UNITED STATES

VS.

FREDERICK A. SIMONE,
a/k/a FREDDY, a/k/a
THE NEIGHBOR,

VINCENT C. GIOCCHINI,
a/k/a DEE DEE; and

FRANCIS WHITE, a/k/a
THE WHITE-HAIRED GUY

**DEFENDANT, FREDERICK A. SIMONE'S MOTION FOR
FURTHER EXTENSION OF TIME FOR PREPARATION AND FILING OF
SUBSTANTIVE MOTIONS**

Now comes the defendant, Frederick Simone, in the above numbered cause and in accordance with the Order of this Court entered on June 2, 2004 does respectfully file a Motion to Extend the time for the filing of substantive as well as discovery motions which motion for extension of time is being filed before September 8, 2004. An affidavit of counsel is annexed hereto and incorporated herein by reference.

WHEREFORE counsel does respectfully request that this Court permit an extension of time for a period of ninety (90) days up through and including December 1, 2004.

Frederick Simone
By his attorney

"/s/ Kevin J. Reddington

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**AFFIDAVIT IN SUPPORT OF
DEFENDANT, FREDERICK SIMONE'S MOTION FOR
FURTHER EXTENSION OF TIME FOR PREPARATION AND FILING OF
SUBSTANTIVE MOTIONS**

I, Kevin J. Reddington, Esq., being first duly sworn, depose and say that;

- 1.) I represent the defendant, Frederick Simone, in the above captioned action.
- 2.) I have been engaged in many trials in various courts of the Commonwealth and motion hearings in Federal Court.
- 3.) I was out of the country for a week and July and will be out of my office from August 30, 2004 through September 6, 2004.
- 4.) I have numerous matters scheduled for trial in Brockton Superior Court upon my return, including the matter of Commonwealth vs. John Fernandes (1st degree murder), Commonwealth vs. Mark Scanzillo (rape), Commonwealth vs. Arnold Casavant (rape).
- 5.) I have completed the review of the voluminous records and documents provided by counsel.
- 6.) I have conferred with the prosecutor and expect that discussions regarding resolution of the case short of a trial will be on-going but counsel would not be able to file the substantive motions by September 22nd as originally ordered by the Court.
- 7.) WHEREFORE a request is made for one further extension by motion this day.

Signed under the pains and penalties of perjury this 27th day of August, 2004.

“s/Kevin J. Reddington